



THE WANADA BULLETIN

NEWS AND INFORMATION FOR AND ABOUT FRANCHISED NEW CAR DEALERS IN THE WASHINGTON AREA

WANADA Bulletin # 18-20

June 17, 2020

Register for WANADA Flu Shot Program by August 31
MoCo, D.C. Set to Join Rest of Region in Stage 2, as Va. Puts Brakes on Phase 3
New Virginia Laws Take Effect July 1
SBA Issues New PPP Loan Forgiveness Application and Interim Rule

Register for WANADA Flu Shot Program by August 31

Registration is now open for WANADA's seasonal flu shot program for dealership employees. With the COVID-19 epidemic already resurging in many states, there is a possibility that the Washington area may see a similar resurgence in the fall. Because COVID-19 symptoms may be indistinguishable from the flu, a flu outbreak within the workplace may be falsely attributed to COVID-19 and may cause major disruption in the workplace.

Once again, WANADA's flu shot program will be available on-site at WANADA dealerships and administered by Norvar Health Services. The on-site service will be available for adults aged 18 and older.

To have your dealership participate, please register online at www.norvarhealthservices.com, under "Scheduling". Please do not fax in your registration. Alternatively, you may call Norvar at 202-744-1360. With the popularity of this program you are encouraged to register early to guarantee the date of your choice. Any request received after August 31 may be subject to vaccine availability.

If you have any questions, please contact Connie Ryan at WANADA at (202) 237-7200, or via email at cr@wanada.org.

The fee will be \$32 for the vaccine with a minimum of twenty (20) participants required at each location. Locations with less than 20 participants will be billed as if 20 doses of vaccine were administered. The difference will be billed at a rate of \$25 per dose.

As usual, adults 65 and older have a choice of getting the high-dose trivalent flu shot, which offers better protection against the flu compared with the regular shot. The fee for the high-dose shot will be \$65. Human immune defenses become weaker with age, which places older people at greater risk of severe illness from influenza. Also, aging decreases the body's ability to have a good immune response after getting influenza vaccine. A higher dose of antigen in the high-dose vaccine gives older people a better immune response against the flu. Data have shown that that leads to greater protection against influenza.

Norvar Health Services will begin conducting on-site visits starting October 1. All scheduling will be done by Norvar upon submission of your registration. Norvar will contact the dealer's designated representative with the scheduled date/time and forward all appropriate forms. Norvar

will invoice the dealership directly for all flu shots administered via the program, subject to the 20 doses minimum.

MoCo, D.C. Set to Join Rest of Region in Stage 2, as Va. Puts Brakes on Phase 3

By the beginning of next week, it is expected that the entire Washington region will be in some version of a second-phase reopening, though the recent rise in COVID-19 cases in the South and West has spurred Virginia to pause their previous plans to begin entering phase three.

Northern Virginia and Richmond joined the rest of the commonwealth in entering [their version of a phase two re-opening](#), which allows a capacity-limited re-opening of gyms, entertainment venues, and other cultural exhibitions. The commonwealth has seen a drastic decline in the [number of new COVID-19 cases](#) in the past few weeks, even with the staged reopening; however, Gov. Ralph Northam said the recent upticks in cases in states with fewer restrictions on activities – including Arizona, Florida, and Texas – has spurred him to halt a migration towards phase three.

In Virginia, businesses like auto dealerships are allowed to operate indoor sales operations at 50 percent of their lowest patron capacity, while mandating that mask be worn by all. Indoor dining is allowed under similar parameters, as well. Maryland Gov. Larry Hogan's [statewide stage two order](#) has many of the same parameters; however, Montgomery and Prince George's counties have delayed implementation of some aspects of the governor's plan.

On Monday, over a week after much of Maryland entered stage two, Montgomery County Executive [Marc Elrich announced](#) that his county will enter a modified version of stage two under the county's [ReOpening Montgomery](#) plan beginning this Friday. The plan largely mirrors many of the standards that went into effect in [Prince George's County](#) this past Monday.

Effective Friday, Montgomery County businesses, including auto dealership salesrooms, will be able to have 1 patron for every 200 square feet of interior floor space; the same capacity limit is now currently in effect in Prince George's County. Car washes, gyms, houses of worship, and childcare facilities will be among the other businesses that can expand operations in Montgomery beginning on Friday.

In the District of Columbia, Mayor Muriel Bowser [said Wednesday](#) that the city will likely enter their version of phase two next Monday, though it is not fully set in stone as of yet. According to [the latest data](#), there have been 13 consecutive days of declining community spread in the District, but city health director LaQuandra Nesbitt said the District government would like to see continued improvement before officially proceeding into phase two.

Under phase two of [the ReOpen DC plan](#), non-essential retailers will be able to resume indoor sales operations at the same capacity levels as Montgomery and Prince George's -- 1 patron for every 200 square feet of indoor space. Childcare services can resume, as can indoor dining, with a 50 percent patron capacity limit. Facemasks continue to be required in the District, as well.

The city will be providing additional guidance around phase two at coronavirus.dc.gov/phasetwo.

New Virginia Laws Take Effect July 1

When the Virginia General Assembly convened for its 401st consecutive year this past January, it marked the first time that Democrats had controlled both legislative chambers, plus the governor's mansion, since 1993. As a result, it was a very busy session, and a number of important employment-related laws will take effect in the commonwealth beginning on July 1.

Our advocacy partners at Charapp & Weiss LLP created a very helpful guide to many of the new laws, [which you can view here](#). Among them is [HB 972](#), introduced by House Majority Leader Charniele Herring (D-Alexandria), which decriminalizes simple marijuana possession and prohibits employers from inquiring about any past Virginia convictions for that charge.

Meanwhile, [SB 868](#), authored by Sen. Adam Ebbin (D-Alexandria), prohibits discrimination in employment based on sexual orientation or gender identification. The Supreme Court issued a landmark ruling this week in [Bostock v. Clayton County](#) that largely reaches the same conclusion – that gay and transgender employees may not be discriminated against based on their orientation or gender identity under the Civil Rights Act of 1964 – but the Virginia law provides additional regulatory clarity and enforcement mechanisms to prevent discrimination by employers, and authorizes the state to sue an employer on an aggrieved employee's behalf.

[HB 123](#), introduced by Del. Jennifer Carroll Foy (D-Woodbridge), and [SB 838](#), led by Sen. Ebbin, provide Virginia employees with the ability to file their own state lawsuits alleging wage theft. Previously, only the Virginia Department of Labor and Industry had that authority, following a referral from an aggrieved employee. The laws also now authorize class action lawsuits over FLSA violations to be filed in state court, which had previously been banned.

[HB 689](#), authored by Del. Lashrecse Aird (D-Petersburg), requires Virginia employers to list the number of hours worked on any wage statements issued to hourly employees and those who are paid below a [FLSA-approved "standard salary,"](#) which is currently \$455 per week. [HB 798](#), carried by Del. Karrie Delaney (D-Centreville), provides a broad set of protections to workplace whistleblowers, while Del. Delaney's [HB 984](#) creates a new ability for a wrongfully-classified employee to file a civil lawsuit in state court. Del. Kathy Tran's (D-Springfield) [HB 1199](#) prohibits retaliatory action against an employee who challenges their misclassification in court.

[SB 480](#), a bipartisan bill introduced by Sen. Bill DeSteph (R-Virginia Beach), restricts non-compete agreements for low-wage employees, and allows the state to levy fines against employees who try to coerce low-wage employees into entering them.

Please review the [Charapp & Weiss summary](#) for more details on all of these laws, and the ways they will impact businesses and employees in the commonwealth. Also please note that Gov. Ralph Northam got the General Assembly to delay the first phase of Virginia's state minimum wage increase. The minimum wage will now rise from \$7.25 to \$9.25 on May 1, 2021 instead of January 1, 2021; it will increase in five phases until it reaches \$15 an hour on January 1, 2026.

SBA Issues New PPP Loan Forgiveness Application, Interim Rule

Following the passage of [the Paycheck Protection Flexibility Act](#), which [creates some important changes](#) to the SBA's [Paycheck Protection Program](#), the Small Business Administration has updated their [borrower application form](#) and issued [a revised interim final rule](#) to reflect the changes to the PPP.

The Treasury Department has not yet updated their [FAQ page on the PPP](#), so that it reflects the new changes to the program's loan forgiveness standards. Those modifications include extending the period in which forgivable funds can be spent from eight to 24 weeks, and reducing the amount of the loan that needs to be spent on payroll costs.

That said, our friends at the National Automobile Dealers Association have updated their [CARES Act guidance](#) to reflect the new legislation, along with their [PPP loan forgiveness information resource](#).

You can view a full list of relevant PPP documents and guidance on the SBA's website [at this link](#). Please note that June 30 remains the deadline for applying for a PPP loan. As of June 12, more than [\\$512 billion in SBA 7\(a\) Loans](#) had been approved through the program, but tens of billions of dollars remain available.